

Article - Public Utilities

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§29–101.

(a) In this section, “enforcement official” means an employee of the Commission authorized by the Commission to issue a citation for a Commission infraction under this section.

(b) This section applies to the violations of the following:

(1) regulations governing sewer cleaning adopted under § 24–201 of this article;

(2) regulations governing plumbing adopted under § 17–403, Title 24, Subtitle 1, § 26–102, or § 26–204 of this article;

(3) regulations governing erosion and sediment control for utility construction adopted under § 17–403 of this article and § 4–105 of the Environment Article;

(4) regulations governing gas fitting adopted under § 17–404 of this article;

(5) regulations governing required permits for public utility construction adopted under §§ 27–101, 27–107, and 27–108 of this article;

(6) regulations governing the Commission Pretreatment Program adopted under § 17–403 of this article and § 9–332 of the Environment Article; or

(7) any other regulation adopted in accordance with § 17–406 of this article.

(c) (1) (i) A person who violates any provision of a regulation listed in subsection (b) of this section has committed a Commission infraction and on delivery of a citation by the Commission under subsection (d)(1) of this section shall pay to the Commission a civil fine in the amount of:

1. for a first violation of the regulation, \$250;
2. for a second violation of the regulation, \$500;
3. for a third violation of the regulation, \$750; and

4. for a fourth or subsequent violation, \$1,000.

(ii) Each day that a violation of the regulation remains uncorrected is a separate Commission infraction subject to an additional citation and fine in the amount of \$250.

(2) (i) The payment due date for the fine may not be less than 10 or more than 20 calendar days after the date of delivery of the citation.

(ii) The recipient of the citation may pay the fine before the payment due date specified in the citation.

(d) (1) After verifying a Commission infraction the enforcement official shall deliver the citation to any person charged with committing the Commission infraction in accordance with the enforcement procedures of the regulations.

(2) The citation shall be on a form adopted by the Commission and shall include:

(i) the date of delivery of the citation;

(ii) the name and address of the person charged;

(iii) the specific provision of the regulations that has been violated;

(iv) the nature of the Commission infraction;

(v) the location and time that the Commission infraction occurred;

(vi) the amount of the civil fine assessed for the Commission infraction;

(vii) the manner, location, and time in which the fine may be paid to the Commission;

(viii) a statement that each day that a violation continues is a separate Commission infraction subject to additional citation;

(ix) the name, business address, title, and telephone number of the enforcement official who issued the citation; and

(x) notice of the person's right to a trial for the Commission infraction and instructions and time limits for that election.

(e) (1) A person who receives a citation for a Commission infraction under this section may elect to stand trial by filing with the Commission a notice of the person's intent to stand trial.

(2) The notice of intent to stand trial shall be given at least 5 days before the payment due date specified in the citation.

(3) On receipt of the notice of intent to stand trial, the Commission shall forward to the District Court having venue a copy of the citation and a copy of the notice of intent to stand trial that was filed by the person who received the citation.

(4) On receipt of the citation and the notice of intent to stand trial, the District Court shall schedule the case for trial and notify the defendant and Commission of the trial date.

(5) The District Court shall remit to the Commission all fines, penalties, or forfeitures the Court collects for Commission infractions.

(f) (1) If a person who receives a citation for a Commission infraction fails to pay the fine by the payment due date specified in the citation and fails to file a notice of the person's intent to stand trial for the offense:

(i) the person is liable for the assessed fine; and

(ii) the Commission shall send a notice of the Commission infraction to the person's last known address.

(2) (i) If the fine is not paid within 35 days after the date of the notice, the Commission may request adjudication of the case through the District Court, which may include the filing of a demand for judgment on affidavit.

(ii) On receipt of the request for adjudication, the District Court shall schedule the case for trial and summon the defendant to appear.

(3) If the defendant fails to respond to the summons and the Commission has made a proper demand for judgment on affidavit, the District Court shall enter judgment against the defendant in favor of the Commission in the amount then due.

(g) (1) For the purpose of this section, a Commission infraction is a civil offense.

(2) The adjudication of a Commission infraction:

(i) is not a criminal conviction; and

(ii) does not impose any of the civil disabilities ordinarily imposed by a criminal conviction.

(h) In a proceeding for a Commission infraction before the District Court, the violation shall be prosecuted in the same manner and to the same extent provided for municipal infractions under §§ 6–108 through 6–110, 6–112, and 6–114 of the Local Government Article.

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